

REMARKS/ARGUMENTS

The following remarks are provided in response to the Final Office Action mailed 5 July 2007 (the "July '07 Action") in the above-identified application.

Applicants' assignee acknowledges the examiner's recognition that claims 10 and 22, in addition to claims 2-8, 11 and 15-19, are allowable.

Claims 20, 21 and 23-27 have been previously rejected under 35 U.S.C. §103(a). Applicants' assignee has canceled claims 20, 21, and 23-27. The cancellation should not be viewed as acquiescence to the examiner's grounds of rejection. Applicants' assignee has also canceled claim 32, which depended from claim 20.

On 20 October 2006, Applicants' assignee submitted an amendment (the "October '06 Amendment") adding dependent claims 28-33, of which claim 32 has been cancelled. The remaining claims 28-31 and 33 depend from allowable claims 2, 10, 15, 17 and 22 respectively. In the subsequent Office Action, mailed 29 January 2007 (the "January '07 Action"), the only reference to the newly added claims was on line 4A of the Office Action Summary Form, indicating the claims had been withdrawn from consideration. Applicants' assignee assumes the examiner based the withdrawal on the claims purportedly being directed to a non-elected species. Applicants' assignee observes (1) a claim directed to a non-elected species is eligible for rejoinder if it depends from an allowable claim and (2) rejoined claims must be fully examined for patentability. MPEP §821.04. As claims 28-31 and 33 depend from allowable parent claims, applicants' assignee is entitled to have the claims rejoined and examined for patentability.

Applicants' assignee accordingly requested the examiner rejoin and examine claims 28-31 and 33 in accordance with MPEP §§ 821.04 and 821.04(a). See Response mailed 28 March 2007, p. 14, ¶ 4. The next Office Action should have

reflected the rejoinder and examination of claims 28-31 and 33. However, the July '07 Action also fails to mention these claims, other than the same indication on line 4A of the Office Action Summary Form. Therefore, Applicants' assignee submits the July '07 Action is incomplete, its finality is premature, and it should be reconsidered and withdrawn.

Applicants' assignee observes that parent claims 2, 10, 15, 17, and 22 are patentable under 35 U.S.C. §§ 102 and 103 and it therefore follows that dependent claims 28-31 and 33 are patentable under 35 U.S.C. §§ 102 and 103. Applicants' assignee submits claims 28-31 and 33 further comply with 35 U.S.C. §§ 101 and 112.

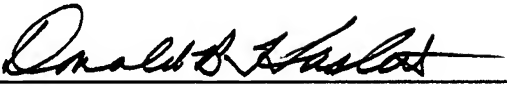
In light of the foregoing amendments and remarks, the examiner is respectfully requested to reconsider and withdraw the July '07 Action pursuant to MPEP §706.07(d), rejoin claims 28-31 and 33 to the present application pursuant to MPEP §821.04(a), and examine claims 28-31 and 33 for patentability pursuant to MPEP §821.04. Applicants' assignee further respectfully requests the examiner allow claims 2-8, 10, 11, 15-19, 22, 28-31, and 33, all the claims remaining in the application, and pass the application promptly on to issue.

Applicants' assignee submits that no extension of time is required with this amendment, but provisionally petitions for an extension of time, if necessary. Further, applicants' assignee asserts that no additional claim fees are due with this amendment. However, if additional fees are required, the Commissioner is hereby authorized to charge any required additional fee for any additional extension of time or additional claims to the Deposit Account No. 03-1550.

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Reply to Office Action mailed July 5, 2007

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Respectfully submitted,

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